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14 Attorneys for Defendant
JETBLUE AIRWAYS CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

19 Christopher Booher and Patricia Reid,
individually, on behalf of others similarly
situated, and on behalf of the general public,

Plaintiff,

VS.

JetBlue Airways Corporation,

Defendant.

Defendant.

Case No. 4:15-cv-01203-JSW

**DECLARATION OF BRENDAN
KILLEEN IN SUPPORT OF
DEFENDANT'S CROSS-MOTION
FOR SUMMARY JUDGMENT**

Date: May 19, 2017
Time: 9:00 a.m.
Courtroom: 5, 2nd Floor
Judge: Hon. Jeffrey S. White

DECLARATION OF BRENDAN KILLEEN

I, Brendan Killeen, hereby declare as follows:

1. I am an attorney at law, duly licensed to practice in the State of New York and admitted *pro hac vice* to this Court in the above-captioned action. I am an associate with the law firm of Morgan, Lewis & Bockius LLP, attorneys of record for Defendant JetBlue Airways Corporation (“JetBlue”) in this action. I make this declaration in support of JetBlue’s Cross-Motion for Summary Judgment (“Cross-Motion”). The matters stated herein are based on personal knowledge, and if called as a witness, I could and would testify competently thereto.

2. On August 12, 2015, Daryl S. Landy, lead counsel for JetBlue in this matter, took the deposition of Plaintiff Christopher Booher before a Certified Court Reporter. Our law firm subsequently received from the court reporter a copy of Plaintiff Booher's deposition transcript. Attached as **Exhibit A** are true and correct copies of the portions of Plaintiff Booher's deposition transcript cited in JetBlue's Cross-Motion.

3. On October 22, 2015, Mr. Landy took the deposition of Plaintiff Patricia Reid before a Certified Court Reporter. Our law firm subsequently received from the court reporter a copy of Plaintiff Reid's deposition transcript. Attached as **Exhibit B** are true and correct copies of the portions of Plaintiff Reid's deposition transcript cited in JetBlue's Cross-Motion.

4. On September 30, 2015, Plaintiffs' counsel Matthew Helland took the deposition of JetBlue's corporate witness, Julia Garcia, pursuant to Federal Rule of Civil Procedure 30(b)(6), before a Certified Court Reporter. Our law firm subsequently received from the court reporter a copy of Ms. Garcia's deposition transcript. Attached as **Exhibit C** are true and correct copies of the portions of Ms. Garcia's September 30, 2015 deposition transcript cited in JetBlue's Cross-Motion.

5. On January 24, 2017, Plaintiffs' counsel Matthew Helland took the deposition of Imran Rahman, pursuant to Federal Rule of Civil Procedure 30(b)(6), before a Certified Court Reporter. Our law firm subsequently received from the court reporter a copy of Mr. Rahman's deposition transcript. Attached as **Exhibit D** are true and correct copies of the portions of Mr.

1 Rahman's deposition transcript cited in JetBlue's Cross-Motion.

2 6. On January 25, 2017, Plaintiffs' counsel Matthew Helland took the deposition of
 3 Julia Garcia before a Certified Court Reporter. Our law firm subsequently received from the
 4 court reporter a copy of Ms. Garcia's deposition transcript. Attached as **Exhibit E** are true and
 5 correct copies of the portions of Ms. Garcia's January 25, 2017 deposition transcript cited in
 6 JetBlue's Cross-Motion.

7 7. Attached as **Exhibit F** is a true and correct copy of relevant portions of JetBlue's
 8 Form 10-K filed with the United States Securities and Exchange Commission on February 17,
 9 2017 for the period ending December 31, 2016.

10 8. Attached as **Exhibit G** is a true and correct copy of relevant portions of JetBlue's
 11 Flight Attendant Manual in effect as of October 12, 2011.

12 9. On January 13, 2017, JetBlue produced a spreadsheet containing data provided to
 13 the United States Department of Transportation relating to the flights Plaintiffs worked that
 14 showed, *inter alia*, the exact times that each flight took off from ("wheels off") the departure
 15 airport and/or landed ("wheels on") at the destination airport.

16 10. Attached as **Exhibit H** are true and correct copies of relevant portions of Plaintiff
 17 Reid's flight activity records cited in JetBlue's Cross-Motion, which are Bates labeled JB008933
 18 – JB008937, and JB009629.

19 11. Attached as **Exhibit I** are true and correct copies of relevant portions of Plaintiff
 20 Booher's flight activity records cited in JetBlue's Cross-Motion, which are Bates labeled
 21 JB008931 – JB008932.

22 12. Attached as **Exhibit J** are true and correct copies of the wage statements for
 23 Plaintiff Booher during the relevant time period that JetBlue has produced in this matter.

24 13. Attached as **Exhibit K** are true and correct copies of the wage statements for
 25 Plaintiff Reid during the relevant time period that JetBlue has produced in this matter.

26 14. Attached as **Exhibit L** are true and correct copies of sample screenshots of
 27 Rainmaker data that JetBlue has produced in this matter.

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1 15. Attached as Exhibit M is a true and correct copy of Judge Gutierrez's March 15,
2 2017 decision in *Vidrio v. United Airlines, Inc.*, No. 15-cv-07985-PSG-MPW (C.D. Cal.).

3 I declare under penalty of perjury under the laws of the State of California and the United
4 States that the foregoing is true and correct.

5 Executed on March 17, 2017, at New York, New York.



Brendan Killeen

Brendan Killeen